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# The Traffic in Voices: Contrasting Experiences of Migrant Women in Prostitution with the Paradigm of "Human Trafficking"

*Maybritt Jill Alpes*

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*This article is based on empirical research with West African migrant women working in prostitution in Paris. Given current migration regulations in Western Europe, as well as state policies on prostitution, the traffickers and people considered to be trafficking victims de facto form part of the same economy of the margins. What is needed to cut down on the number of trafficking victims is to guarantee basic human rights to migrants.*

THE ORGANIZATIONAL FRAMEWORK OF migration (in France and other European countries) currently is such that the status of "trafficking victim" is one of the few means of attaining (at least restricted) residence rights. In order to secure humane treatment to irregular migrants then the automatic tendency would be to broaden the definition of "human trafficking." Yet, the paradigm of "human trafficking" is also a problematic legal categorization of migration trajectories. Reshaping the frames through which (undocumented) migrant women are looked at, I inevitably partake in a sensitive political debate. However, assumptions inherent in classifications of migrants need to be questioned more generally and vulnerabilities of "trafficked women" need to be contextualised with potential prior vulnerabilities in places of origin. Does a migrant woman have to be "innocent" and "vulnerable" to earn the legal

protection of host states? Does a migrant worker have to be female and work in prostitution to have a right to legal protection?

In an age of supposed "globalization," free circulation of finance, services and information, remarkably little attention is given to the (un) free circulation of labour. Rather than as labour migrants, "undocumented" migrants are produced as "illegal immigrants," "smuggled aliens" or "trafficked victims." Yet, *de facto* undocumented migration is predominantly labour migration.<sup>1</sup> The construction of "irregular" migrants as "smuggled criminals" or "trafficked victims" effaces the labour aspect of these migration trajectories. Hence, the very division of "irregular" migration into "human trafficking" and "smuggling" is also not a natural given that can be embraced uncritically as a tool of scholarly analysis.<sup>2</sup> I would hence argue that to look at the social reality of migration experiences in terms of legal definitions, such as the Palermo

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Protocol, forces scholars into a "statist" perspective. When studying the experiences of migrant women in prostitution, it becomes clear that the paradigms of "trafficking" radically simplify social reality so as to fit the management schemes imposed by states.<sup>3</sup> The dynamics of "irregular" migration and the patterns of behaviour of people involved in it cannot be explained from a perspective that sees, like the state, only rules and dynamics recognised by the latter.

Women trafficked for exploitation in prostitution are subject to a complex web of often rather contradictory interpretations and portrayals. Different groups approach the question from their respective ideological, moral and political convictions. NGOs working on prostitution will look at "human trafficking" either in terms of "slavery" or in terms of "sex workers" rights. The mainstream media has a tendency to portray "human trafficking" in terms of physical violence and criminality. Women and "traffickers" are polarised into "innocent victims" and "evil perpetrators." Yet, knowledge on "human trafficking" is not always based on an analysis of the lived experiences of migrant women.<sup>4</sup> Political interests and moral concerns get projected onto the category of "trafficked women."

In the literature on migration, "human trafficking" has come to be understood as a form of exploitative labour migration.<sup>5</sup> Since its adoption in 2000, the Palermo Protocol has become the central document used for purposes of defining and dealing with "human trafficking."<sup>6</sup> Essential to this legal definition of "human trafficking" are the elements of deception, manipulation, coercion, abuse of authority, as well as debt bondage and forced labour. It is hence the deceitful nature of the recruitment process and the exploitative working conditions, rather than the type of work that gives rise to women's migration stories falling under the framework of "trafficking."<sup>7</sup> However, in practice counter-"trafficking" policies and programmes are mostly implemented in a way that still takes prostitution itself, rather than exploitation in prostitution to define "human trafficking."

Even though not all foreign migrant women in prostitution can hence be considered "trafficking victims," a comparison of their migration experiences with the paradigms of "trafficking" is

pertinent given that not only abolitionist NGOs, but also state policy commonly *presumes* that these women have indeed been "trafficked." Furthermore, the obscurity concerning living and working conditions after migration, the enormity of the debt bondage, as well as the unclear conditions under which the interviewed women needed to repay their debts do serve as indicators of little autonomy, great vulnerability and hence potential exploitation. Deceit, coercion, debt bondage and forced labour can be said to characterise at least a certain phase of the narratives of the interviewed women.

This article contrasts the paradigms of "human trafficking" with the migration experiences of West African migrant women working in prostitution in Paris. I trace out the tensions between migration experiences and assumptions inherent in the paradigm of "human trafficking." Whilst doing this, I equally make observations on important factors (outside the paradigm) that can help to explain the situation and position of migrant women in prostitution.

## FIELD RESEARCH

This article is based on a series of interviews with migrant women considered to be "trafficking victims" and on a period of observation with a Paris-based NGO called *Cippora*. At meetings of the association, I spent about three hours every week from October 2004 to March 2005 in the company of the women whom I was to interview subsequently. The interviews took place in the office of a partner association of *Cippora*, as well as in the home of an informant. I also had access to some internal documents of the NGO, such as the testimonies of the women for their residence permit.

*Cippora* engages in outreach activities with people working in prostitution, welcomes them in weekly drop-in sessions, and offers free French classes and technical assistance. In France, a limited residence and working permit of three months (renewable) can be obtained under the condition that the women agree to quit prostitution and lay open the way in which they came to France.<sup>8</sup> With a written testimony and the backup support of an NGO, such as *Cippora*, the

women can gain access to a temporary residence and working permit. In practice, both this legal device and *Cippora's* main line of action conflate prostitution with "trafficking."<sup>9</sup> Considering work in prostitution to be by definition an act of enslavement, an abolitionist position does not allow one to distinguish between voluntary migration into the sex industry and exploitation within the sex industry (or other sectors of work). To mark this distinction, it is important to look at the working conditions of the interviewed women, as well as at the way in which they migrated.

One of the interviewed women was Cameroonian; the other nine came from Nigeria.<sup>10</sup> The youngest of the interviewed women was 17 when coming to France. The oldest was 29 at the time of the interview. The interviewed women had generally been in France already for a time ranging from one to two years. Most of them had migrated either within Nigeria or more widely in the region before coming to France. At the point when I spoke to them, none of them was any longer under the direct control or menace of a "trafficker" or pimp. They were not working in prostitution any more, and were preparing their testimony for the police, waiting for their papers or already searching for work with their new residence permit. Most of them took French classes and all of them were coming regularly to the weekly drop-in sessions of the association. The nature of the sample of this study implies that in all cases it was both possible to gain autonomy from the person who had initially facilitated their migration to France, as well as desirable for them to leave work in prostitution. Even though there might be counter examples to the cases I have studied here, dynamics and patterns such as these exist and need to be accounted for.

### HUMAN TRAFFICKING AND THE CHOICE TO MIGRATE

"Human trafficking" can be looked at from various angles: morality, crime, public order, human rights, labour, migration.<sup>11</sup> Different actors tend to focus on different angles and hence one needs to be acutely aware of "whose problems" shape and produce any given analysis of the phenomenon. For states, for example, "human trafficking" is largely a problem that concerns public order. A public-order

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"Media outrage at the violent situations of women in prostitution obscures the trajectory of the women themselves."

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driven approach to "human trafficking" can turn counter-trafficking activities into tools for cutting down on both prostitution and migration. A member of *Cippora* explained the following to me: "The Sarkozy law has devices that—within a wider framework of integration—allow for a permit to stay in the country. Not all victims can be regularised." Here, the NGO worker's dilemma is between wanting to fight prostitution and help women out of prostitution whilst equally trying to uphold an anti-immigration stance. "Not everyone has the vocation to stay in France." "Those who want to integrate will succeed. For those who want to use the NGO, it is the task of NGO workers to say 'no.' Papers aren't the solution to everything. Papers are there for work."

NGO workers at *Cippora* often reduced the causes of "human trafficking" to poverty and kidnapping.<sup>12</sup> Women, in this view, have either no agency or clearly they must be desperate to want to migrate for work. Yet, most of the women of this study had decided to migrate in a context of acute human insecurity. Some of the interviewed women had been involved in various ways in the Muslim-Christian tensions in Nigeria, another woman had been subjected to harmful traditional practices, another one left because she did not agree with a proposed arranged marriage and yet another one had been orphaned through her families' political persecution. Media outrage at the violent situations of women in prostitution obscures the trajectory of the women themselves.<sup>13</sup> It obscures the violent situations they might have found themselves in *before* migration. It is not because women *leave* their home and change their place that suddenly they are in danger of being discriminated against, exploited and/or mistreated. The assumption of the trafficking paradigm is that women are "safe" at home and in danger when "away."

Without wanting to victimise migrant women further, the narratives of the interviewed women

were all characterised by stories of (gendered) violence of different sorts. Yet, migration is also a way for people to strive for security. When Rose Mary said that, for example, that she was happy to be able to go with the "trafficker," this is because previously she had been raped by a gang of men and consequently imprisoned for four months on charges of adultery. Despite all human rights violations, it is important to keep in mind that "traffickers" *also* answer a need and demand for migration services.

Most women in the study had already migrated previously within Western Africa, namely Mandalene, Irene, Felicia, Edith, Liliane, Juliette, Queen and Precious. Yet, the human trafficking paradigm leaves little space for the choice to migrate. One can choose to migrate and still end up in exploitative circumstances in the end. The perspective of migrants and their agency within the course of migration is often overridden by a strong bias towards concerns of the state, such as border crossings, the potential increase of undocumented migrants and criminality.<sup>14</sup>

In a situation of lacking viable alternatives, accepting the risk of debt bondage for at least a limited amount of time can become a possibility. People's living conditions might be such that a choice for indentured labour becomes possible.<sup>15</sup> Yet, to change the focus from human right violations after migration to mistreatment *beforehand* is less comforting. It highlights the need for migration, as well as the structural factors which make formal and fully regulated migration from certain parts of the world almost impossible and unregulated migration dangerous and potentially exploitative.

## EVOLVING DYNAMICS

On a legal and formalistic level, the Palermo Protocol establishes a clear distinction between "human trafficking" and "smuggling." Whereas the illegal crossing of borders is at the heart of "human smuggling," the key determining element of "human trafficking" is the exploitation of the migrant him/herself.<sup>16</sup> Smuggling is a crime against a *state*, whilst "trafficking" is a crime against a *person*. One would hence assume that the relationship between a trafficker or smuggler and the person crossing the border could serve

as an indicator to tell the two phenomena apart. Within smuggling the relationship between the person and the smuggler would be one of *service provider* and *client*. Within "trafficking" the relationship between the migrant and the trafficker would be one of *exploiter* and *victim*. These legal definitions only look at one point in time, however. Relationships are dynamic. Dynamics between a migrant and his or her "trafficker" (or migration broker) evolve over time.

On the basis of the gathered interview material, it seems that there can be elements of help and gratefulness even in the relationship between a trafficker and a "trafficked woman." Just before migrating to Europe, Antonia, for example, had found herself orphaned, as well as homeless after a politically motivated arson attack during which both her parents had died. And Rose Mary had been in prison with charges of adultery before being given a chance by her former partner to leave the country. When I asked her what she had thought when she had first met the man who was to bring her to France, she answered: "When I first met him, I was happy. He said he would rescue me and I was relieved. And yes, he helped me out of there. When I was told I had to prostitute, I thought I should have died in Nigeria, that's better. If I see him now, I would hand him over to the police. He destroyed my life. There were so many accidents happening during my time as prostitute. I don't know whether he sent them to kill me and they had pity with me. I broke my legs, got stabbed, raped, had a pistol to my head and still they were asking me for money."

Often the women referred to these people as "Madame" and/ or "the man who brought me here." Looking at "traffickers" also as people who facilitate or sponsor a migration process can help to explain certain dynamics within the narratives of the interviewed women. As Florence put it: "There are people who are responsible for changing country. You pay them and they take you." Even if coercion is exercised in the country of arrival through the undertaken debt, the initial demand for migration has been satisfied.<sup>17</sup> Skrobanek forcefully makes the point that in most cases women freely chose migration and are only subsequently directed into exploitative channels.<sup>18</sup> These migration agents and/or "traffickers" move



in on the voluntary movement of women and direct them into exploitative labour.

It is important to give justice and consideration to all of these different dynamics within the relationship between the women and the people who are coined as "traffickers." Dorothy had to plea with her migration broker to be accepted "on board." She was working in a hair dresser's salon in Cameroon and clients of her needed to vouch for the integrity of Dorothy's character before the woman would accept to bring her to France. In the rhetoric of the migration broker, she was agreeing to this deal out of kindness. Dorothy's case study demonstrates to us the degree to which in some cases women have to be active to be recruited for migration to Europe. The problem at stake in those cases is the degree to which migrant women have control over the outcome of migration. Florence, for example, tried to make her migration trajectory safer by choosing to only go with a white migration broker and not with a black one. Her migration broker came from Lebanon and she described her first encounter with the man as follows: "I saw the white man. I thought it would be a European." Florence was not subjected to voodoo before leaving the country and when asked about it, she responded: "That's why I don't go with black. Black do voodoo to black. That's why I don't go to black, but to white."

As for the "Madames," they are often described as having been former "trafficking victims." In an attempt to overcome the simplification of

a divide into victims and perpetrators, I suggest conceptualising the "Madame" as a "group leader." She is the "first amongst equals," the one further ahead in her migration narrative, the one "promoted" and also the one "accommodating" and "helping" the newcomers. The interviewed women also sometimes referred to the "Madame" as the "girlfriend" of the person who had brought them to France. Such dynamics seem widespread and can already develop during the journey. Efe has this to say about the 7 months of travelling between Nigeria and France: "My cousin went out with one of the men, so I didn't have to work during

the journey. Later I also went out with one of the men." Escoffier suggests that these relations and associations need to be seen within their context of desired mobility and enforced immobility.<sup>19</sup>

All of the interviewed women talked about debt and various degrees of uncertainty around the exact height of the debt incurred in the process of migration (e.g. documentation and transport). The average price the interviewed women needed to pay back amounted to € 30,000. The interviewed women were not always aware of the specific sum to be repaid before they set off on their journey. Whilst some of the interviewed women had been told that they would not have to pay, most believed that they could pay back their debt in a relatively short time of a few months. However, even if the women entered into agreements on exact debts to be repaid for transport, it is difficult to put the sums of money into perspective. Edith said: "No. It was here that he told me that I would have to pay him back for the transport. He told me \$50,000. [...] I told the man that 50,000 was too much. He said it is not so much, that here it is possible to earn that much, so I said OK."

It is extremely difficult for anyone to estimate the value of a given amount of money, if one does not know the working possibilities and the living

expenses in a country on another continent. The stark contrasts between levels of income and cost of living in country of origin and destination needs to be kept in mind when seeking to

understand the women's narratives, as well as their potential exposure to "trafficking."

The uncertainty about the actual debt incurred can weaken the women's position in relation to the person who brings them to France. Patterns of debt repayment are informal, not solidly fixed beforehand and hence both negotiable, as well as a potential means of coercion and enforced dependency. Often the women do not attempt to note down systematically their payments to the person who had brought them to France, but if they do, it is also not unheard of that the "Madame" or "trafficker" searches for and destroys such notes.

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Depending on how much she had been able to work, Edith had to give between 2,000 or €3,000 to her "trafficker" every three months. Liliane was working for twelve months in Marseille. Twice a week, she had to give about €500 to the "Tunisian man" who had brought her to France. If she had no money to give, she was not beaten, but "told off" and verbally put under pressure to pay more next time. Whilst she was under pressure to generate sufficient money to satisfy demands from the "Tunisian man," she could still make independent choices about occasionally not going to work. Edith, too, recounts that despite the pressure to pay back the debt there were margins of manoeuvre to refuse certain customers.

Relations of dependency can be renegotiated. Over time, the interviewed women increasingly understood the context of their situation, as well as of their "trafficker." They acquired more and more skills to get by on their own in this new and unfamiliar country where they do not speak the language. They also began to understand the weaknesses of the very person who pressures them. These processes did not necessarily exclusively depend on whether the women had actually finished paying back the agreed sum of money or not. Irene, for example, had to give about 600 to €700 every week to the person who might be considered her "trafficker." She had not paid back the asked €30,000 when eventually she cut off all relations to the man who had brought her to France. She went to Paris where she continued to work in prostitution independently: "Why can't you go to Paris? If you go to Paris, it will be okay. But I don't have money to buy the ticket. She gave me the money. I left the hotel he put us in. I changed my phone number and he could not see me. So that is how I left that place doing my own."

Sometimes the women said that they could start working independently in prostitution once the person who had brought them to France got into trouble with the police. Even when the original "trafficker" is in jail, though, the women do not necessarily regain complete autonomy. Debt is transferable. Other men can claim patronage over the women, take their money away from them and threaten to kill them. This is what happened for example to Antonia. Her "trafficker" was in prison, but she still was in danger when trying to earn her

living on the street. Other men connected with her trafficker threatened her and asked her to pay back the money. She was told to send her earned money to the brother of her "trafficker" who was still in Nigeria.

## FACETS OF COERCION

It is important not to polarize actors into "victims" and "perpetrators." Given current migration regulations in Western Europe, "traffickers" and "trafficked" in many ways form part of the same "economy of the margins." An understanding of "human trafficking" in terms of the "degree of relative autonomy and control" over the outcome of the migration process over time brings "human trafficking" into wider debates on labour migration, as well as redirects attention towards the perspective of migrants, rather than of states.<sup>20</sup> This I believe is more rewarding if one is interested in capturing the multitude of exploitative elements in migration which "human trafficking" supposedly is meant to circumscribe.

The migration narratives of the interviewed women are not void of physical violence. Liliane, for example, was being threatened with murder and Edith had been photographed naked and was subsequently blackmailed and threatened that these would be sent back to her family in Nigeria. Yet, coercion can also work in a more indirect and structural ways. For a start, the women initially were in a situation in which there were no alternative legal and safe ways of migrating for work and this forms the basis of their vulnerability. Coercion and exploitation in migration also occurs because there is a lack of viable alternatives both in the country of origin and within migration.

Antonia came to France assisted by the brother of a man she had met in Nigeria. Before she left, this man had asked her not to "make problems with his brother." Antonia agreed, "I say OK, you people are helping me out." In France she tried to resist having to work in prostitution. Yet, she was beaten and threatened with more violence. Antonia narrates that the Nigerian man said the following in a telephone conversation: "My brother is telling me that you are making problems all the time. I don't understand. Just because I helped you." Having initially agreed with gratitude to accept the help

of the Nigerian man and his brother, drawing lines and boundaries of permissiveness is difficult. The internationalization of the discourse of the trafficker is logical in a context of structurally enforced, but chosen migration and social isolation.

In France, the interviewed women had all initially been very isolated in their daily lives. Lacking friends or members of family in their vicinity, the only people the interviewed women socialised with were their clients, other women and their respective "trafficker" or "Madame." The Madames would, for example, throw birthday parties for the interviewed women.

After the initial stage of the "trafficker" helping the women to leave an undesirable situation and to come to France, all of the interviewed women except for one were directly faced with the need to work in prostitution. Work in prostitution can be enforced by physical violence or emotional blackmail, but also by a lack of viable alternatives and a high demand for these services. Antonia talked of having been forced into prostitution through threats of killing and actual beatings. Uneasy about her prior work in prostitution, she told me that she had been locked into a room and denied food. But the necessity to work in prostitution does not in all cases come directly from the trafficker or person who brought the women to France. Mandalene for example was told by other Nigerian women that without documents she did not have a chance to find any other kind of work: "And when I got here there is no help. If you don't have paper, you cannot work in France. If you don't have their paper, you cannot work easily. So I found somebody to help me to go to the street."

Here, it is not the trafficker, a pimp or a Madame beating or directly forcing Mandalene to work in prostitution. Whilst her "trafficker" had lied to her about job prospects in Europe, she was not directly coerced by him into prostitution. It was the other women with whom she was living in France who gave her to understand that this was her only option. Without papers, knowledge of French, relatives, friends or even acquaintances in France, Mandalene did not have to be beaten into accepting prostitution as an income generating activity.

Edith confirms this portrayal. She described her first few days in France in the following way: "I was given food for three days. After that I would

have to go and work in prostitution, too. After the three days the girls were shouting at me if I took anything from them. They said that they, too, had to prostitute for this. So I decided, let me be doing it, too, maybe one day I can stop."

Besides this simplistic question of knowing or not knowing, choosing or not choosing to work in prostitution, it is very unlikely that the women could have been aware of actual working conditions. Work in prostitution can take various forms, particularly in different cultural and geographical settings.<sup>21</sup> Women do not simply divide into "prostitutes" and "good women." Asked whether she had not heard rumours about prostitution in Europe, Liliane said: "Yes, rumours, I heard about prostitution. But not about having to work in the street. I thought just you needed to have five boyfriends. Even if I know it's prostitution, I promised to pay. But I didn't know about the road."

Furthermore, the isolation women find themselves in can become a great source of vulnerability. During the interviews, it often became clear that the women were suffering from loneliness. The role of the "trafficker" and "Madame" cannot be limited to one of mere "exploiter." The women do not have documents, do not speak French and have no members of their family for support and advice in France. They are suspicious and have a great fear of anything printed or official. In this context, the "Madame" or the person who brought them here are also the closest people to them in the country of arrival.

Other important elements of control are voodoo practices. Voodoo can amongst others take the function of enforcing an essentially informal agreement on migration. Before migration, "traffickers" celebrate voodoo ceremonies during which the women have to promise to pay back their debt, to stay loyal to the trafficker and not to tell anyone about their situation. Given that the women cannot pay for their travel before the journey, these oaths function as a kind of guarantee to the people who take the women to Europe. Edith: "I did the voodoo oath in exchange for the transport." It is difficult for the women to refuse to engage in these oaths. Juliette: "I was obliged to do voodoo several times during the journey. I was obliged to do it, otherwise it would have been as if we didn't trust them. It was so that we wouldn't



talk to the police." If this secrecy oath is broken by the women, they as well as their families are in danger. Countervailing spiritual authorities

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**"State laws on prostitution and immigration crucially weaken the position of undocumented migrant women."**

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can be drawn upon to break the power of the original oaths. At the time of the interviews, quite a few of the interviewed women were practising Christians. Given the religious and spiritual landscape of countries like Nigeria, this is in itself not surprising. Yet, for those women who had undertaken a voodoo oath, becoming practising Christians can also function as a shield of protection from the feared voodoo spell. When trying to understand the dynamics within "trafficking," it is interesting to take religious and spiritual dimensions into account, too. As van Dijk suggests, the engagement with the spiritual domain can also be associated with the women's desire to travel abroad. If these desires are felt to be "blocked by spiritual forces," elements of migration (such as passports, visa and air ticket) become part of the realm of spiritual empowerment and "signs of heavenly benevolence."<sup>22</sup>

Even though Mandalene had to give about 1,000 to 2,000 francs to the man who had organized her documents for her, she still had freedom of movement, as well as the capacity to make choices. Working and living conditions of the interviewed women do not hinge solely on their trafficker, but also depend largely on the given legal framework on prostitution and immigration. "Police will see you and deport you to your country." "When you go to jail, they tell you [you] have to go back to the Africa." Attitudes of the interviewed women towards the police are ambiguous, however. Edith, for example, proudly told me that the police was her "power:" "I am afraid [of going back] because I haven't paid back the money yet. If I am in Nigeria, the man can do anything for [to] me. I have no money. The police only believes those who have money. The police is not protecting you in Nigeria. I understood that he was afraid of the police, too. I have more power here than in Nigeria. The police is my power."

Edith was afraid of being sent back to Nigeria where she would receive no protection at all from the police. In France, however, she had understood that her trafficker was as much afraid of the police as she had been initially.

The causes of exploitation and vulnerability hence do not always lie exclusively with the nature of their work and the agency of the trafficker, but also with the wider circumstances in which the women find themselves, including constraints imposed by the state. State laws on prostitution and immigration crucially weaken the position of undocumented migrant women seeking to earn their living in prostitution. Vulnerable to state agents both as "undocumented" and as "prostitutes," migrant women are inherently very dependent on the people who facilitated their migration and work process.

## INTERNAL DYNAMICS AND PERCEPTIONS

From a state perspective, the behaviour, meaning and attitudes of trafficked women cannot be explained. Without recognising and giving due consideration to the rules and regulations within informal migration, one cannot begin to understand the dynamics of "human trafficking." Even if formally defined as an illegal activity, parts of the processes of "human trafficking" can be perceived as licit, acceptable and even desirable by participants. As Wong points out, "the world of the illicit" is not "one of solely of victims terrorised by criminals."<sup>23</sup> A state's view will classify human trafficking "as a crime and hence the work of a "trafficker" as essentially "evil" and "illegal."

I will now turn towards the women's perception and portrayals of their migration trajectory at large. Having deconstructed the dichotomy between "victim" and "perpetrator," one can also look at the category of "traffickers" in a different way.

Inherent in the narratives of the interviewed women was also a strong notion that the trafficker did despite everything answer a demand: "I feel my life was in danger. She said she would help me." Liliane had this to say about her trafficker: "They give you impression to come and then here they collect big money... When I was in Africa they told me I will pay the money in three months time, after you come here life is difficult." The fact that she

had not been fully aware of all elements does not seem to have influenced her view of the man who brought her here. "I know he is a *proxénète* (pimp). I think it is his work. That's what he does. He can help me to Europe. [...] He didn't disappoint me. He take me to Europe." When exploring whether she was angry with this man, her reply was: "I am not angry with him because I deserve it. I don't deserve to work in prostitution. But I deserve to come to Europe [...]. I am not angry because other people do it, too. [...] He did me a favour."

Most of the interviewed women had not heard of the term "human trafficking" before. And if they had heard of it, they suggested "human trafficking" referred to prostitution or criminality in general. The interviewed women were all extremely defensive about having worked in prostitution. As soon as I uttered the "p word," whatever my actual question, the answer always was that they were not working in prostitution anymore or that they had been forced to work in prostitution. Antonia's statement is typical of this kind of defensive attitude: "I cannot do that. My mother didn't do that." These reactions and attitudes can be explained largely by the organizational context of the NGO through which I had been able to make contact with these women. The interviewed women generally tended to portray themselves as "victims" in terms of the work they had done, but not in terms of migration.

Migrant women in prostitution do have obligations to their trafficker. They asked for a migration service, so it is logical for them to "feel the responsibility" to pay back the money required for this service. Having worked for a while, the women can change perspective and begin to argue that the amount of money asked for these migration services is exaggerated. When I asked Orobosa, how she knew that she had finished paying back, she replied: "When he called me, I said is enough. I said is enough. I don't have money."

Tied into a web of gratitude and dependency, it is difficult to tell from what point onwards one would no longer be bound by prior promises and obligations to the person who had initially delivered a service. The women often talked in the interviews about the right of the trafficker to ask them for the money. Florence: "I don't have right to not to pay. He used money to bring me." There is a strongly

felt obligation to pay back the debt. Looking at their cases in isolation, they often perceive of coercion and exploitation as accidental. Some of the women even go so far as to believe that it is their fault if they get beaten or mistreated since it is their obligation to pay back the money.

From an inside perspective, the trafficker is a person with whom the migrant had previously struck a deal and hence has at least a certain shared interest. When the interviewed women knew their way about enough, they could assert themselves and put into question the amount of the debt bondage. This is a complex and slow process. Despite growing frustration, some of the interviewed women continued to feel guilty and even afraid about not having paid all of the money. When changing perspective, it becomes more understandable where coercion is rooted and how emancipation from a "trafficking" situation can be a question of negotiation.

## CONCLUSION

If one looks at the migration experiences of the interviewed women exclusively through the lenses of the Palermo Protocol, one sees like a state. Internal patterns of obligation and reciprocity cannot be seen from the perspective of a state that polarises actors into "victims" and "perpetrators." The state, the way in which it manages migration, constructs and deals with migrants and women in prostitution will be left out of the picture. Sources of coercion and vulnerability are not limited to the hands of "pimps" and "traffickers." Migrant women in the sex industry are vulnerable in France by being both "undocumented" and "prostitutes." As such "trafficker" and "trafficked" form part of the same "economy of the margins." Elements within exploitative labour migration—such as forced labour, debt bondage, deceit and coercion—are not entirely disconnected from this position of more general marginality. Only *not* seeing like the state allows us to see the state.

In the light of the generated interview material, this article suggests that it is fruitful to consider "trafficking" within a wider framework of voluntary labour migration. Traffickers are also migration brokers and hence provide services for which there is a demand because of the current

state of migration management. This *de facto* enforced immobility needs to be considered when one talks about the choice of migrant women to want to migrate. At the same time, the discourse of disempowerment and victimhood continues to dominate precisely because of what it obscures. The discourse of trafficking is attractive because it diverts attention away from enforced immobility, from the fate of undocumented migrants more generally and from human rights violations *before* migration.

There is a more general need to question assumptions in the way people who migrate are talked about and engaged with. Driven by concerns with prostitution and/or immigration, anti-trafficking activities can in themselves result in human right violations. As Ratna Kapur puts it, "the failure to foreground the human-rights aspects of trafficking has resulted in further pushing the activity underground, and centring the security of the state at the cost of the security of the migrant subject."<sup>24</sup> A concern with "human trafficking" understood as exploitative migration will hence refocus attention *away* from the Palermo Protocol *towards* the *Migrant Workers Convention* that seeks to guarantee basic human rights to all migrants and their members of family, regardless of sector of work and status of documentation.<sup>25</sup>



## Notes

<sup>1</sup> "Undocumented migrations are [...] pre-eminently labor migrations, originating in the uniquely restless creative capacity and productive power of people. The undocumented character of such movements draws our critical scrutiny to regimes of immigration law and so demands an analytic account of the law as such, which is itself apprehensible only through a theory of the state. Likewise, the specific character of these movements as labor migrations within a global capitalist economy demands an analysis of the mobility of labor, which itself is only understandable through a critical theoretical consideration of labour and capital as mutually constituting poles of a single, albeit contradictory, social relation." Nicholas P. De Genova, "Migrant 'Illegality' and Deportability in everyday life," *Annual Review of Anthropology* 31 (2002), 423.

<sup>2</sup> Julia O'Connell Davidson and Bridget Anderson, "The trouble with 'trafficking,'" in *Trafficking and Women's Rights*, eds. Christien van den Anker and Jeroen Doomernik (New York: Palgrave Macmillan, 2006), 22.

<sup>3</sup> James C. Scott, *Seeing like a state – how certain schemes to improve the human condition have failed* (London: Yale University Press, 1998).

<sup>4</sup> Jyoti Sanghera, "Unpacking the 'trafficking' Discourse," in *Trafficking and Prostitution Reconsidered – New Perspectives on Migration, Sex Work, and Human Rights*, ed. Kamala Kempadoo, (London: Paradigm Publishers, 2005), 4.

<sup>5</sup> International Organization of Migration, "Data and Research on human trafficking: A Global Survey," *International Migration* vol. 43 (2005): 1- 2. Kamala Kempadoo, ed. *Trafficking and Prostitution Reconsidered* (London: Paradigm Publishers, Boulder, 2005). Kamala Kempadoo and Jo Doezeema, eds. *Global Sex Workers – Rights, Resistance, and Redefinition*, (New and London: Routledge, 1998). Laura Agustin, "The Disappearing of a Migration Category: Migrants Who Sell Sex," *Journal of Ethnic and Migration Studies* 32 - 1 (2006), 29- 47. Christien van den Anker and Jeroen Doomernik, eds. *Trafficking and Women's Rights* (New York: Palgrave Macmillan, 2006). Anette Brunovski and Guri Tyldum, *Crossing Borders – An Empirical Study of Transnational Prostitution and Trafficking in Human Beings* (Oslo: Fafo, 2004). Annuska Derks, "From White Slaves to 'trafficking' Survivors – notes on the 'trafficking' debate" (Paper presented at the conference on Migration and Development, Center for Migration and Development Working Paper Series, Princeton University, 2000). Melissa Ditmore and Marjan Wijers, "The negotiations on the UN Protocol on 'trafficking' in Persons," *Nemesis* 4 (2003). David Feingold, "Think Again – human trafficking," *Foreign Policy* (2005).

<sup>6</sup> The full and exact name of the Palermo Protocol is *United Nations Protocol to Prevent, Suppress and Punish "trafficking" in Persons, Especially Women and Children*. The Protocol supplements the *United Nations Convention Against Transnational Organized Crime*. It splits up "human trafficking" into three distinct, but interconnected elements: a) the recruitment, transport, transfer, harbouring or receipt of a person; b) by use of threat, force, coercion, abduction, fraud or deception, abuse of power or a position of vulnerability or giving or receiving payments of benefits to achieve the consent of a person having control over another person; c) for the purpose of the exploitation in prostitution or other forms of sexual exploitation, forced labor or services, slavery, practices similar to slavery, servitude or the removal of organs.

<sup>7</sup> Kamala Kempadoo and Jo Doezeema, ed. *Global Sex Workers*, (New and London: Routledge, 1998).

<sup>8</sup> Under special conditions, foreigners working in prostitution in France can obtain a temporary residence permit of three months (renewable). This legal disposition is part of the legislative framework on prostitution drafted by Sarkozy in ("*loi de la sécurité intérieure*"). In practice, the testimonies do not necessarily amount to the denunciation of a trafficker. *Cippora* needs to guarantee and certify the progress of the women in their "reinsertion" process, i.e. whether the women are taking French classes and whether they have started looking for work in other domains. The main goal of this legal provision very clearly is to allow foreign women working in prostitution to stop doing this work.

<sup>9</sup> The wife of Moses, Cippora is the name of an immigrant woman of "foreign" origin in the bible.

<sup>10</sup> Most interviews took place in English, rather than French. So as to guarantee the security of the interviewed women, all names have been changed in this paper.

<sup>11</sup> Marjan Wijers and Lin Lap-Chew, *Trafficking in women, Forced Labour and Slavery-like Practices in Marriage, Domestic Labour and Prostitution* (GAATW, 1999), 189- 211.

<sup>12</sup> These attitudes and explanatory frameworks came out clearly in statements by volunteers in the NGO through which I had contacted the women of this study, but they are also inherent in much journalistic work on the subject.

<sup>13</sup> Whilst portrayals of trafficked women like to uphold the ideal that women should "stay home," gender discrimination can be one of the many factors that pushes women towards a decision for migration. Hence both the discourse on trafficked women, as well as the actual causal patterns of their migration are gendered, but in acutely different ways.

<sup>14</sup> Ratna Kapur, "Travel Plans: Border Crossings and the Rights of Transnational Migrants," *Harvard Human Rights Journal* 18 (2005), 116- 119.

<sup>15</sup> Julia O'Connell Davidson and Bridget Anderson, "The trouble with 'trafficking,'" in *Trafficking and Women's Rights*, eds. Christien van den Anker and Jeroen Doomernik, (New York: Palgrave Macmillan, 2006), 22– 23.

<sup>16</sup> *Draft Report of the European Experts Group on "trafficking" in Human Beings* (Brussels: 2004), 10.

<sup>17</sup> It is not clear from the interview material to what extent various people at different stages of the migration process (and in that respect smugglers, "traffickers" and pimps) are organizationally linked up with one another.

<sup>18</sup> Siriporn Skrobaneck et al., *The traffic in Women: Human Realities of the International Sex Trade* (London: 1997), 98.

<sup>19</sup> Claire Escoffier, "Communautés d'itinérance et savoir-circuler des transmigrant-e-s au Maghreb" (Ph.D. diss, Université Toulouse II, 2006), 189.

<sup>20</sup> Diana Wong, "The Rumour of 'trafficking' – Border controls, Illegal Migration, and the Sovereignty of the Nation State," in *Illicit Flows and Criminal Things – States, Borders, and the Other Side of Globalisation*, eds. Willem van Schendel and Itty Abraham (Bloomington and Indianapolis: Indiana University Press, 2005), 82.

<sup>21</sup> Paola Tabet, *La grande arnaque – sexualité des femmes et échanges economico- sexuel* (Paris: L'Harmattan, 2004).

<sup>22</sup> Rijk van Dijk, "Voodoo on the Doorstep: Young Nigerian Prostitutes and Magic Policing in the Netherlands," *Africa: Journal of the International African Institute* 71-4 (2001), 572 and 558- 586.

<sup>23</sup> Diana Wong, "The Rumour of trafficking" in *Illicit Flows and Criminal Things – States, Borders, and the Other Side of Globalisation*, eds. Willem van Schendel and Itty Abraham, (Bloomington and Indianapolis: Indiana University Press, 2005), 89.

<sup>24</sup> Ratna Kapur, "Cross-border Movements and the Law: Renegotiating the Boundaries of Difference," in *Trafficking and Prostitution Reconsidered: New*

*Perspectives on Migration, Sex Work, and Human Rights*, eds. Kamala Kempadoo, (London: Paradigm Publishers, 2005), 31.

<sup>25</sup> *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*, adopted by General Assembly resolution 45/158 of 18 December 1990.